

**NEW MEXICO ENVIRONMENT DEPARTMENT
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTER OF PROPOSED DISCHARGE
PERMIT 1132 FOR THE RADIOACTIVE
LIQUID WASTE TREATMENT FACILITY AT
LOS ALAMOS NATIONAL LABORATORY,
LOS ALAMOS, NEW MEXICO**

No. GWB-19-24(P)

**ORDER REQUIRING STATUS AND SCHEDULE REPORT
ON FINANCIAL ASSURANCE**

Pursuant to 20.1.4 NMAC, 20.6.2 NMAC (collectively, the “Procedural Rules”) and the Notice of Hearing Determination and Hearing Officer Appointment date July 17, 2019 of the Secretary, the Hearing Officer, having considered the Joint Motion of the Applicants and New Mexico Department Ground Water Quality Bureau (“GWQB”) for Limited Reconsideration of the June 24, 2020 Order of the Secretary (“Joint Motion”), and being otherwise fully informed, **FINDS AND CONCLUDES:**

1. On June 23, 2020, the Secretary issued the Order of the Secretary Remanding for Consideration of Financial Assurance (“Remand Order”), in which the Secretary directed the GWQB to consider the types and levels of financial assurance that shall be applied to Discharge Permit DP-1130 (“DP-1132”).

2. The Remand Order directed the GWQB to publish notice(s) of its financial assurance proposal and provide for public participation and a hearing, if requested pursuant to the applicable Procedural Rules.

3. The Joint Motion requests that DP-1132 be approved prior to development and application of financial assurance to DP-1132, but does not provide information concerning the status of the financial assurance proposal required to be developed and applied by the Remand Order.

4. The Remand Order requires that DP-1132 be issued with financial assurance requirements and that those requirements be in place at the time DP-1132 is issued. The Joint Motion requests issuance of DP-1132 with no time frame for the development and application of financial assurance to DP-1132.

5. Both the Procedural Rules and the Remand Order provide for development and application of financial assurance to DP-1132 as a condition of issuance of DP-1132. Accordingly, to effectuate the purpose of the Procedural Rules and the Remand Order, a schedule must be established that requires financial assurance to be in place at the time of issuance of DP-1132 or within a reasonable time after issuance of DP-1132.

IT IS THEREFORE ORDERED that within seven (7) days of the date of this Order, the Applicants and the GWQB shall file in this docket, either jointly or separately, a status report on and schedule for development of financial assurance to include:

- a. A summary of the progress of development of a financial assurance plan, including whether the GWQB and Applicants intend to submit a joint proposal for financial assurance; and
- b. A proposed schedule for publication of notice(s) of a financial assurance proposal, including public participation and additional hearings that may be required.
- c. After the status report is filed, the Hearing Officer will establish a schedule for consideration of financial assurance matters and issuance of DP-1132.

DATED: August 30, 2021.



Richard L. C. Virtue, Hearing Officer

Certificate of Service

I hereby certify that on August 31, 2021 a copy of the Order Requiring Status and Schedule Report on Financial Assurance was sent to the persons listed below:

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